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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,201	11/14/2003	Kevin M. Patfield	LUTZ 2 00227	2661

7590 06/03/2005

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EXAMINER

SMITH, CREIGHTON H

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,201

Applicant(s)

PATFIELD, KEVIN M.

Examiner

Creighton H. Smith

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 APR '05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 12, 15 and 17 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 13, 14, 16 & 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-11, 13, 14, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Skarbo et al.

Examiner does not agree with applicant's arguments that there invention differs from Skarbo et al because applicant's apparatus first senses or monitors a state of the screen saver, and then determines from that whether or not a user is present. Applicant's first step in claims 1, 7 of "detecting the screen saver communications. In Skarbo @ col. 2, lines 55-59, they disclose, "[b]efore launching the screen saver process 12, operating system 10 sends a screen saver message to all top level windows in the windowing system of the graphical user interface...to verify that it is acceptable for the screen saver to be launched. Then in col. 3, lines 5-10, Skarbo et al disclose that the video conferencing system informs the operating system that the screen saver may be activated." By "activating the screen saver," this phrase reads upon applicant's phrase of "detecting the screen saver communications.

Skarbo discloses the use of screen saver techniques that are activated when a user-specified time period has passed after the last input event to the system, such as keyboard action or a mouse click and screen savers are usually deactivated once an input device such as a keyboard or mouse is used again, col. 1, lines 20-25. Regarding claim 2, Skarbo discloses that his screen saver is used in conjunction with a video

conferencing system. Video conferencing systems use audio and video and even some data, and therefore qualify as telephony. Therefore, it is inherent that there is some means in Skarbo that is reporting that the user is not present at her PC, and some type of message is being sent thru the telephony system to the screen saver to turn it off. Regarding claims 3 & 5, Skarbo discloses, col. 5, lines 40-45, the system in which their teleconferencing may be used includes LAN, WAN, & the Internet. And, the Internet is a packet-switched network utilizing TCP/IP.

Claims 6, 12, 15, 17, are allowed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

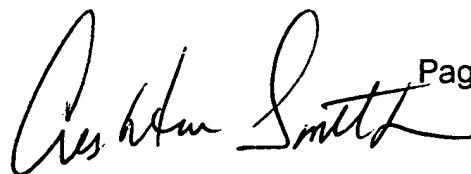
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Creighton h Smith at telephone number 308-2488.

Application/Control Number: 10/714,201

Art Unit: 2645

20 MAY. '05

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Creighton H Smith
Primary Examiner
Art Unit 2645